

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TALANDA N. PENN,

Defendant.

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8:08CR438

ORDER

This matter is before the court on the defendant's motion for an extension of time in which to file pretrial motions (Doc. 32). Upon review of the file, and for good cause shown, the court finds that the motion should be granted.

IT IS ORDERED that the motion is granted, as follows:

1. The deadline for filing pretrial motions is extended to **February 23, 2009**.

2. In accordance with [18 U.S.C. § 3161\(h\)\(8\)\(A\)](#), the court finds that the ends of justice will be served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **January 27, 2009 and February 23, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

DATED January 27, 2009.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**